



Utah State Law Library

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Research Guide: Utah Constitution

§1 Introduction

A constitution establishes the framework of government. It allocates power among branches of government and provides for the basic civil rights of citizens.

§2 Constitution of 1895

In an effort to obtain statehood, Utah drafted seven constitutions between 1849 and 1895,¹ before it finally succeeded. The constitutional convention of 1895 was held March 4 – May 7, 1895.

Dockets, 1895 (microfilm) (Series #12795)

Held by the Utah State Archives

The dockets track the movement of papers related to the convention.

Official report of the proceedings and debates of the convention: assembled at Salt Lake City on the fourth day of March, 1895, to adopt a Constitution for the State of Utah. Salt Lake City: Star Printing Co., 1898.

This two volume set contains the transcript of the proceedings of the constitutional convention.

The convention proceedings are available online from the legislatures website at <http://le.utah.gov/documents/conconv/utconstconv.htm> and from Lexis, database UTCCPR.

Records, 1895 (microfilm) (Series #03212)

Held by the Utah State Archives

Constitutional convention records include a copy of the federal enabling act; roll call; published and unpublished transcripts of the proceedings; files of proposals, petitions, and other recommendations for inclusion in the state constitution; and a limited number of committee reports, minutes and notes.

¹ For a thorough treatment of the various constitutions drafted between 1849 and 1895, see:

John J. Flynn, *Federalism and Viable State Government – the History of Utah's Constitution*, 1966 Utah L. Rev. 311 (1966).

Robert Lee Warthen, *Legal Research in the State of Deseret and the Utah Territory, 1847-1896*, published in Michael Chiorazzi & Maguerite Most, editors, *Prestatehood Legal Materials: a Fifty-State Research Guide, including New York City and the District of Columbia*, Binghamton: Haworth Information Press, 2005.

Jean Bickmore White, *Utah State Constitution: A Reference Guide* at 2-16. Westport: Greenwood Press, 1998.

State constitution, 1895 (microfilm and digital) (Series #03214)

Held by the Utah State Archives

Handwritten constitution. A scanned copy is available online at

<http://historyresearch.utah.gov/exhibits/Statehood/toc.htm>

§2.1 News Reports of the Constitution of 1895

Salt Lake's newspapers also carried reports of the daily sessions in "lengthy, sometimes gossip-mongering, detail."² Digitized historical collections of two of these newspapers are available online:

Deseret News

<http://www.lib.utah.edu/digital/unews/dn.html>

Salt Lake Tribune

<http://www.lib.utah.edu/digital/unews/slt.html>

§3 Revising or Amending the Utah Constitution

There are two methods for revising or amending the Utah Constitution:³

- Both houses of the legislature pass a proposed amendment or revision by two-thirds vote, and then the issue is presented to the voters for approval.
- Both houses of the legislature can, by two-thirds vote, call for a constitutional convention. The question of whether to hold the constitutional convention is presented to the voters for approval.

§4 Constitutional Revision Commission

In 1969 a temporary Constitutional Revision Study Commission was created⁴ to examine the constitution and make revision or amendment recommendations to the governor and the legislature. It was replaced in 1977 by a permanent commission,⁵ and in 1997 its name was officially changed to Constitutional Revision Commission.⁶ The composition and duties of the commission are promulgated by the Utah Code.⁷

Interim report of the Constitutional Revision Commission. Salt Lake City, 1971-1975.

First through third reports.

Report of the Constitutional Revision Commission. Salt Lake City, 1978-2000.

Annual (irregular) (no report in 1981, 1985, 1986, 1997, 1999)

The reports provide an account of the commission's analysis and recommendations for Constitutional revisions. Each report contains a comprehensive examination and subsequent evaluation of the strengths and weaknesses of sections of the Constitution covered by the

² Jean Bickmore White, *Utah State Constitution: A Reference Guide* at 213. Westport: Greenwood Press, 1998.

³ Utah Constitution, Article XXIII

⁴ Laws of Utah, ch. 89 (1969).

⁵ Laws of Utah, ch. 159 (1977).

⁶ Laws of Utah, ch. 98 (1997).

⁷ Utah Code Ann. §63-54-101 et seq.

respective report. Some reports provide historical membership information, and a list of commission recommendations from 1970.

Reports have not been issued since 2000, even though required by statute⁸ until the 2006 legislative session, when it was repealed.

§4.1 Constitutional Revision Commission Online

Current information about the Constitutional Revision Commission (1999-) is available on the legislature's website: <http://le.utah.gov/>, select Committees; Commissions.

This provides access to Commission agendas, minutes and ancillary materials.

§4.2 Constitutional Revision Commission Records

Constitution, 1913-ongoing. (Series #83592)

Held by the Utah State Archives

Includes reports which include the text and amendments of Utah's Constitution. The reports contain information pertaining to the preamble to the Constitution, articles of the Constitution, 1895 Constitutional Convention Delegates, and agency staff.

Utah Constitutional Revision Commission Administrative Records, 1977. (Series #19742)

Held by the Utah State Archives

Includes summary of pertinent legislative bills from 1977.

Utah Constitutional Revision Commission Minutes, 1968-[ongoing]. (Series #19546)

Held by the Utah State Archives

Minutes of the meetings of the commission and its subcommittees

§5 Voter Information Pamphlets

Voter Information Pamphlets, 1975-ongoing. (Series #21810)

Held by the Utah State Archives

Provides text of amendment, and analysis and arguments for and against the proposed change.

§6 Current Constitution

The current constitution is available in print and online.

§6.1 Current Constitution in Print

Utah code annotated. 1953.

The annotated constitution is in volume one.

West's Utah code annotated. 2004- .

The annotated constitution is in volume one.

Utah code unannotated. 1988-.

The unannotated constitution is in volume four.

⁸ Utah Code Ann. §63-54-9 (2005).

§6.2 Current Constitution Online

§6.2.1 Legislature's Website

Current constitution only; unannotated.

<http://le.utah.gov/>, select **Utah Code/Constitution**

§6.2.2 Lexis

UTCNST Current annotated constitution

UTXXXX Annotated codes 1991-, where XXXX is year

§6.2.3 Westlaw

The constitution is part of the various statute databases

UT-ST Current unannotated statutes

UT-STM Current unannotated statutes published by Lexis

UT-ST-ANN Current annotated statutes

UT-STM-ANN Current annotated statutes published by Lexis

UT-ST-IDX Index to current code

UT-STANNXX Annotated codes 2004- , where XX is 2-digit year

UT-STMANNXX Annotated codes 1998-2004, where XX is 2-digit year

§7 Secondary Sources

Thomas G. Alexander, *Utah's Constitution: a Reflection of the Territorial Experience*, 64 Utah Hist. Q. 264 (1996)

Jerome Bernstein, *A History of the Constitutional Conventions of the Territory of Utah from 1849 to 1895* (1961)

Master's thesis, Utah State University

Peter Crawley, *The Constitution of the State of Deseret*, 29 (4) Brigham Young University Studies 7 (1989)

Christine M. Durham, *Employing the Utah Constitution in the Utah Courts*, 2 Utah Bar J. 25 (Nov. 1989)

John J. Flynn, *Constitutional Difficulties of Utah's Executive Branch and the Need for Reform*, 1966 Utah L. Rev. 351 (1966)

John J. Flynn, *Federalism and Viable State Government – the History of Utah's Constitution*, 1966 Utah L. Rev. 311 (1966)

Judicial Article Has Broad Support, [Utah Bar] News 3 (November 1984)
Encourages attorneys to vote for the revised judicial article.

Martin B. Hickman, *The Utah Constitution: Retrospect and Prospect*
Published as Appendix A to Interim Report of the Constitutional Revision Commission p.17-35 (1971).

Martin Berkeley Hickman, *Utah Constitutional Law* (1954).
Doctoral dissertation, University of Utah.

Stanley S. Ivins, *A Constitution for Utah*, 25 Utah Hist. Q. 95 (1957)

Robert Lee Warthen, *Legal Research in the State of Deseret and the Utah Territory, 1847-1896*
Published as Chapter 46 of *Prestatehood Legal Materials: A Fifty-State Research Guide* (2005).

Jean Bickmore White, *So Bright the Dream: Economic Prosperity and The Utah Constitutional Convention*, 63 Utah Hist. Q. 320 (1995)

Jean Bickmore White, *Utah State Constitution: a Reference Guide* (Greenwood Press 1998)